



# ONEIDA COUNTY BOARD OF LEGISLATORS

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ONEIDA COUNTY OFFICE BUILDING ♦ 800 PARK AVENUE ♦ UTICA, N.Y. 13501-2977

Gerald J. Fiorini  
Chairman  
(315) 798-5900

Mikale Billard  
Clerk  
(315) 798-5404

George Joseph  
Majority Leader

Frank D. Tallarino  
Minority Leader

**ATTACHED FOR YOUR INFORMATION IS RESOLUTION  
NUMBER 118 THAT WAS ACTED UPON BY THE BOARD  
OF COUNTY LEGISLATORS AT THEIR SPECIAL SESSION HELD ON  
WEDNESDAY, APRIL 23, 2014.**

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### *RESOLUTION NO. 118*

*INTRODUCED BY: Messrs. Fiorini, Joseph  
2ND BY: Mr. Porter*

**RE: RETENTION OF HERBERT J. CULLY, ESQ. AS COUNSEL FOR THE ONEIDA COUNTY BOARD OF LEGISLATORS IN THE MATTER OF FRANK TALLARINO VS. THE ONEIDA COUNTY BOARD OF LEGISLATORS AND THE COUNTY OF ONEIDA**

**WHEREAS,** On April 9, 2014 Frank Tallarino, Oneida County Legislator, Legislative District 12, did commence a legal proceeding against the Oneida County Board of Legislators and the County of Oneida by service of a Summons and Complaint and Notice of Petition and Petition, and

**WHEREAS,** The Charter for the County of Oneida and the Administrative Code for the County of Oneida both provide that the County Attorney shall defend the Board of Legislators in all civil actions and proceedings, and

**WHEREAS,** The County Attorney has provided the Board of Legislators with an opinion that the proceeding commenced by Legislator Tallarino presents a conflict of interest for the County Attorney and therefore constitutes an exception to the provisions of the County Charter and Administrative Code pertaining to the defense of the Board of Legislators in civil actions and proceedings by the County Attorney, and

**WHEREAS,** In accordance with Section 202 of the Oneida County Charter, the Oneida County Board of Legislators is empowered to employ legal advisers as may be necessary, now, therefore, be it hereby

**RESOLVED,** That Herbert J. Cully, Esq., is retained as counsel to Oneida County in the matter of “Frank Tallarino Individually and as Minority Leader Of the Oneida County Board of Legislators, Plaintiff, vs. The Oneida County Board of Legislators and the County of Oneida, Defendants”, to be compensated at a rate of Two Hundred and 00/100ths Dollars per hour (\$200.00/hr.) with a total amount fees and disbursements not to exceed Ten Thousand and 00/100ths Dollars (\$10,000.00) without further authorization of this Board.

APPROVED:               Ways & Means Committee (April 23, 2014)

DATED:                   April 23, 2014

Adopted by the following roll call vote:

AYES 21    NAYS 0    ABSTAIN 1 (Tallarino) ABSENT 1 (Speciale)

**ROLL CALL**

**DIST MEMBERS AYES NAYS**

DIST	MEMBERS	AYES	NAYS
D-1	FORT	X	
R-2	IDZI	X	
R-3	LEACH	X	
D-4	CLANCY	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
R-7	FIORINI	X	
R-8	FLISNIK	X	
D-9	SACCO	X	
R-10	JOSEPH	X	
R-11	KOENIG	X	
D-12	TALLARINO <u>ABSTAIN</u>		
D-13	GOODMAN	X	
D-14	C. DAVIS	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
D-18	FURGOL	X	
R-19	WELSH	X	
D-20	HENDRICKS	X	
D-21	SPECIALE <u>ABSENT</u>		
D-22	CONVERTINO	X	
R-23	PAPARELLA	X	

**DATE** February 12, 2014

**SESSION:** SPECIAL

**MEMBERS PRESENT:** 22

**MEMBERS ABSENT** 1

**AYES:** 21 **NAYS:** 0 **ABSENT:** 1 **ABSTAIN:** 1

**INTRODUCTORY NO.** 119

**RESOLUTION NO.** 118